

**MINUTES
UTAH
BOARD OF PHARMACY
MINUTES**

DECEMBER 19, 2006

Room 474 4th Floor 9:00 A.M.

CONDUCTING:	Roger Fitzpatrick, Chair
CONVENED:	9:07 a.m.
MEMBERS PRESENT:	1:40 p.m. Roger Fitzpatrick, RPh Betty Yamashita, RPh Marty Hill, public member Dominic DeRose, RPh Edgar Cortes, technician member Shawna Hanson, RPh
 MEMBERS ABSENT	 Dr. Mark Munger
 DIVISION STAFF	 Craig Jackson, Division Director Diana Baker, Bureau Manager Penny Vogeler, Board Secretary Sandra Hess, Division Investigator Connie Call, Probation Coordinator
 GUESTS:	 Gerry Hassel, Wal-Mart Greg Johnson, Target Paige Pat Erick, Smith Jennifer Bowcutt / Timothy Bowcutt Linda Sandberg RPh, Superior Care
 <u>TOPIC OF DISCUSSION:</u> NOVEMBER 28, 2006 MINUTES	 <u>DECISIONS/RECOMMENDATIONS</u> Ms. Yamashita made a motion to approve the minutes with corrections. Mr. DeRose seconded the motion. Motion carried.
 DISCIPLINE REPORT- CONNIE CALL:	 Ms. Call gave the probation report and it is attached to the minutes. The issue of FMLA and how it affects a probationer was discussed and Ms.

Baker will look into the details of FMLA and report to the Board next month.

DISCUSSION

Ms. Baker reminded the Board that Mr. Jackson will be retiring at the end of December. Mr. David Stanley will be replacing him as Division Director. Ms. Baker told the Board that probationer, Wesley Remund, surrendered his license since last months meeting. Mr. Marty Hill joined us in the meeting. Ms. Baker also wanted the Board to give some thought to the pharmacy technician program and bring their suggestions to the Board meeting next month regarding processes that are continuing to be misunderstood about the teaching of the technicians and the requirements in the statute and rules. There is much confusion from the Pharmacists, Program Directors and the technicians. Changes need to be made to rectify this situation to decrease misconceptions and provide for safe utilization of technicians in the pharmacies.

APPOINTMENTS PROBATION INTERVIEW CODY BEAUMONT

Ms. Yamashita conducted the interview with Mr. Beaumont. Mr. Beaumont stated after his last meeting with the Board, he returned home to Oregon and went through his papers and realized he had been let go from his position at the hospital as discussed in the November Board meeting. He has since met with the Oregon Board and was asked about the missing medications from the hospital. He stated he was off during the time the medications were supposed to have been missing. The day he returned to work he was asked to drug test and he tested three times. He became upset when he was asked to test because the

temperature was not right and refused to test again. He stated the person from the lab said everything was fine, but the Human Resource person said the sample was not fine. Mr. Beaumont became upset and left the facility. Later he stated he was told he was let go for breaking policy and not having the right answers for the missing medications. He was asked to work for a pharmacist in the general community as a fill in, in Klamath Falls, Oregon. The pharmacist there had an injury and needed someone to fill in a few days. Cody stated he knows that he told the head technician that he had a past with drugs. They wanted to pay him under the table. He refused this offer and was paid with taxes deducted. The Oregon Board informed him that drugs were also missing from this location. He stated he never took any drugs from that pharmacy.

Mr. Hill was upset with Mr. Beaumont and said he had lied to the Board last month and not to lie to them again. Mr. Beaumont said he was sorry if the Board felt that he had lied perhaps it was a misunderstanding. Mr. Hill stated there was no way there could have been a misunderstanding in recalling the conversation on the telephone with the human resources representative.

Ms. Baker asked Mr. Beaumont what the bottom line was with the Oregon Board. Mr. Beaumont stated the Oregon Board suspended his license for six months. They also suggested he meet with Mr. Snyder. Mr. Snyder asked Mr. Beaumont to get himself into a treatment program and he felt it would look good for the board. Mr.

Beaumont refused because he felt he was not using drugs and by going into a program would be admitting he was using again.

Ms. Yamashita asked where he is living and he stated he is now living in Beaver, UT. Ms. Yamashita asked why he has not signed up for Compass Vision. He said he had recently screened for a new job and was clean then and is clean today. Mr. Beaumont stated he is not currently working in pharmacy and does not intend to get a job in pharmacy until the Board says he can do so.

He stated he is working at Circle Four in Beaver, UT. He does not know if he will work again as a pharmacist. Ms. Yamashita reminded him that he needs to follow his Order and stay in compliance even though he is not working in pharmacy. Mr. Beaumont agreed to sign a statement that he is not working in pharmacy.

Mr. Beaumont had been tested by Investigations following his interview at the November meeting. He was positive that day for Hydrocodone. He stated he had taken pain medication from his wife who controls any type of pain medication in their house. He stated he had been having a lot of pain in his hip due to an increase in physical activity. His wife gave him some medication that he thought was hers and lied about that medication because he did not want to get her in trouble for sharing her medication; however he later learned that the prescription was actually one made out to him. He was asked about another story he related to the Board about going to his doctor in

Oregon and being given an injection for pain. He stated he had lied about the injection again to protect his wife.

A motion was made by Mr. Hill to issue an Order to Show Cause to suspend his license based on the fact that he has admitted to lying to the Board, seconded by Ms. Hanson. Motion carried.

Ms. Baker stated the Board is waiting for the information from the Oregon Board and a decision to proceed with further sanction would be decided upon the receipt of that information. The Board expressed their disappointment in Mr. Beaumont. Mr. Hill reminded Cody that if the Board agreed to let him work as a pharmacist it would not be protecting the public. Ms. Yamashita reminded Cody that he needs to follow his stipulation and stay in compliance even though he is not working in pharmacy. Mr. Beaumont signed a statement that he is not working in pharmacy. The Board expressed their disappointment in Mr. Beaumont. Ms. Yamashita stated the Board will invite him back after the information from Oregon has been received. Mr. Beaumont is **out of compliance** with the terms of his order.

SCOTT STEWART

Mr. Stewart was interviewed by Mr. Fitzpatrick. All reports were in and he is **in total compliance**. He submitted documentation for additional employment at Pharmacy Services. He also submitted a request for early termination of probation. Ms. Baker suggested he look into the Medicare and Medicaid exclusion and see if he has been placed on the OIG list. Mr. Stewart said he had some legal and financial issues and stated they have

all been resolved. A motion was made by Mr. Hill and seconded by Mr. DeRose to release him from probation effective 03-06-07. Mr. Stewart asked for the definition of long term care. Ms. Baker stated it is defined in the Law and does not include assisted living. He is interested in a collaborative practice. Ms. Baker stated it is defined in the statutes for the Department of Health and can be found in the Utah Code Title 26, Chapter 21. Long-term care is not the same as assisted living. Ms. Baker also directed him to UC 58 - 17b- 503 regarding long-term care issues. Mr. Stewart stated he is also interested in a collaborative practice. The Board directed him to the Pharmacy Practice Act definitions for more information on collaborative practice. The Board wished Mr. Stewart well and stated he would not have to be seen in March.

DIANN MILLIKAN

Diane was interviewed by Mr. Hill. Ms. Millikan submitted a practice plan. The Board suggested that a quarterly inventory be added to her practice plan for her own protection. Her Order states she must have onsite supervision and the Board is not willing to amend her Order until she has worked a significant amount of time under the direct supervision. It was suggested to Ms. Millikan that she have her prospective employer contact Ms. Baker for information on the supervision aspect. The changes in her practice plan will probably take place within the month. She now has a new sponsor for her twelve-step program and is very pleased with the relationship. Ms. Millikan is presently taking time off from work at RxAmerica (FLMA) and dealing with medical issues. She stated she has made some

changes in her professional counseling and is pleased with results. Ms. Millikan is **in compliance** with her Order.

SHERYL LEDET

Mr. Cortes conducted the interview. Ms. Ledet stated things are moving along. Her substance abuse evaluation was discussed. Dr. Etinger stated he felt she was not willing to deal with her depression. She has changed medication and is feeling much better. Ms. Ledet is considering attending PIR. She stated she has learned she was in denial and feels she is now ready to deal with her issue of depression. She was asked if she has any issues with the recommendations of her evaluation. She discussed a type error but felt that the over all evaluation was right on. Ms. Ledet is not presently working but is currently seeking employment. The Board encouraged her to find employment and offered a few recommendations. Ms. Baker asked her to contact her when the suspension is up and to keep good records.

KASEY KOEVEN

Mr. Koeven was interviewed by Ms. Yamashita. He is attending Weber State University. He has a scholarship. He is studying engineering and electronics. He discussed with the Board a car accident that resulted in severe back pain. He is on medication for the pain and is trying to learn to deal with the pain. The accident happened about two years ago but the pain is worse now. His Mom is currently helping with gas. He is not working. Mr. Hill talked to Kasey in a very serious manner. Mr. Hill encouraged him to find a part time job and complete his probation. He asked Mr. Koeven if he felt he was letting the

pain take over his life and not dealing with the real issue of getting a job. He stated he does not have an address at Weber State and the Board asked him to email his current address tomorrow. Ms. Yamashita stated the Board is questioning how serious he is. The Board was firm in letting him know that the next step is an order to show cause. Ms. Baker stated he has until now and February to complete the probation. Mr. Koeven is **out of compliance** at this time.

**BRIAN CHRISTENSEN
SMITHS PHARMACIST**

Mr. Christensen was brought before the Board for an educational interview. Mr. Fitzpatrick conducted the interview. Mr. Christensen was the pharmacist in charge at Smiths where he allowed a technician to work after failing a test. The Board discussed the issue and the fact that he could have been fined for this error. Mr. Paige Patterick, Smith Pharmacy Manager, stated he has made all PIC's aware of this issue so this is not allowed to happen again with Smiths. Ms. Baker stated that both the Law and Rule needs to be read because the Law says as long as a student is making progress they can work as a tech in training. They can only go over that year if they are scheduled to take the exam. The previous law reads 6 months. The new law reads one year, so this is twice the time it used to be. DOPL is not going to be lenient because they now have twice the amount of time. If an applicant states she has been working after this time, the applicant, the pharmacist and the pharmacy can be cited \$1,200.

TIMOTHY BOWCUTT

Mr. Bowcutt was interviewed by Mr. DeRose. He was asked to update the

Board and he stated he had been waiting for the outcome of the Medicare and medicare exclusion. He stated he has been told this will be cleared up soon. At this time Mr. Bowcutt plans to pursue other opportunities. He stated his health is getting better but it has been a long process. He is not interested in returning to Harmon's but has opportunities. Ms. Baker asked Mr. Bowcutt to let Ms. Call know when he hears on the exclusion and also when he returns to work. It was decided to have Mr. Bowcutt attend **quarterly meetings** at this time. Mr. Bowcutt **is in compliance** with his order.

JONATHAN FARR

Mr. Farr was interviewed by Mr. Hill and his application was discussed. Mr. Hill asked if he knew why he was here today. He stated he was not sure. Mr. Hill stated he has lied on his application by not mentioning a conviction. He stated he thought his arrest was over 10 years old and did not feel he had lied on his application. He now realizes it was 9 years. Ms. Baker was concerned about his issue with drinking. He was asked to explain the difference of then and now. He is a single parent of two children and has to be a responsible person. He stated he has learned he should have paid more attention to the application. A motion was made by Ms. Hanson and seconded by Ms. Yamashita to approve the application for licensure.

DURABLE MEDICAL EQUIPMENT

Ms. Hess, DOPL investigator, had asked the Board for some direction on what to look for in the inspection of the Durable Medical Equipment. The Board felt the issues of temperature and

humidity, cleanliness and also an alarm system should be addressed. It must meet the requirements of a pharmacy. It was suggested that Ms. Hess discuss this issue with the Bureau Manager over Respiratory Therapists. It was also suggested that Ms. Hess contact a hospital central supply to see what their requirements are. Billing for Medicare and Medicaid is also an issue with requiring a license.

Ms. Baker will discuss this information with Ms. Hess.

CHABLIS FENNER

Ms. Fenner submitted an application for a pharmacy technician. Her application was brought before the Board for discussion. After reviewing the application the Board was not comfortable in making a decision without an interview of Ms. Fenner. The felt more information was needed. It was the decision of the Board to table this until next month and Ms. Baker will send her another letter. A motion was made by Mr. DeRose and seconded by Mr. Cortes to invite Ms. Fenner to the Board next month.

FEBRUARY AGENDA ITEMS

Protocol for vaccine administration

NEXT SCHEDULED MEETING

January 23, 2007

Roger Fitzpatrick, Chairman

Date

Diana Baker, Bureau Manager

Date